

LAST APPEAL IN FRANK

CASE COMES UP MONDAY

Defense Motion to Set
Aside

Verdict Will Be
Heard

The last appeal in the Case of Leo M. Frank, the motion to set aside the verdict of guilty on the ground that it is illegal because Frank was not present in the Court room when it was rendered, will be argued on a demurrer before the Supreme Court of Georgia Monday.

Their briefs have been prepared and the Attorneys for both the state and the defense say that they are ready to proceed with the Case.

When the motion was brought in the Superior Court, Solicitor General Hugh M. Dorsey filed a general demurrer, which was sustained on June 6 by Judge Hill. The defense immediately appealed. The demurrer practically controls the motion, so the Case hinges on the decision of the Supreme Court on the demurrer.

The motion to set aside is in a way more important than the extraordinary motion for a new trial, which Frank recently lost, for should he win on the technical motion, lawyers say he could not again be tried and would be freed.

In event Frank loses on the motion to set aside, his Attorneys will at once attempt to carry the Case into the United States Court on the point, it is said.

Attorney General Grice will assist Solicitor General Dorsey in the prosecution of the Case before the Supreme Court, and he and the Solicitor have both prepared lengthy briefs.

The state stresses its contention that even if the motion is well founded in law, it should have been brought at the time the original motion for a new trial was made, instead of after the Supreme Court had passed once on the Case, and the extraordinary motion on the ground of new evidence was pending.

The motion to set aside was brought by Attorneys Tye & Peebles and Haas & Haas.
